

AO 91 (Rev 8/01) Criminal Complaint

United States District Court

SOUTHERN

DISTRICT OF

TEXAS

UNITED STATES OF AMERICA

McAllen Division

United States District Court
Southern District of Texas

CRIMINAL COMPLAINT

V.

Crystal PENA

FILED

Case Number: M-22- 1896 -M

YOB: 1999

SEP 26 2022

COC: United States

Nathan Ochsner, Clerk

I the undersigned complainant, state the following is true and correct to the best of my knowledge and belief. On or about September 25, 2022 in STARR County, in the Southern District of Texas defendant(s) did,

knowing or in reckless disregard of the fact that D.S.E., a citizen of Mexico, have come to, entered, or remain in the United States in violation of law, transports, or moves or attempts to transport or move such alien within the United States from a location in the Roma, Texas Port of Entry to a location in Roma, Texas in furtherance of such violation of law and brought the alien for the purpose of commercial advantage or private financial gain,

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(ii) & 1324(a)(2)(B)(ii) I further state that I am a(n) Customs and Border Protection Officer and that this complaint is based on the following facts:

On September 25, 2022, defendant Crystal PENA, a United States citizen, applied for admission into the United States from Mexico via vehicle at the Roma, Texas Port of Entry. Defendant attempted to transport into the United States through the Roma, Texas Port of Entry one undocumented alien child (male, age 2), an actual citizen of Mexico, by presenting to Customs and Border Protection Officers a Texas birth certificate and claiming to Customs and Border Protection Officers that the child was a United States citizen through means of documented false claim. The defendant and child were referred to secondary, during secondary inspection, the defendant freely admitted that she attempted to smuggle the child with identity D.S.E., into the United States, from Miguel Aleman, Tamaulipas, Mexico at the Roma, Texas Port of Entry by claiming that the child was her nephew and the that the child was a citizen of the United States when in fact the child is a citizen of Mexico. The defendant further stated that she knew that D.S.E. did not have legal status to be in or enter the United States, the defendant further admitted to having agreed to transport D.S.E into the United States for \$1,300.00 USD. The defendant intended to present an actual United States birth certificate and claim that the child was a United States citizen to further D.S.E's illegal entry into the United States.

Continued on the attached sheet and made a part of this complaint:

☐ Yes☒ NoApproved By AUSA: **Lee Fry**

Submitted by reliable electronic means, sworn to & attested to telephonically per Fed.R.Cr.P. 4.1, & probable cause found on

September 26, 2022 at 1:39 p.m.

Date

J. Scott Hacker**U.S. Magistrate Judge**

Name and Title of Judicial Officer

s/ Mario E. Canales

Signature of Complainant

Mario E. Canales**CBPO-Enforcement**

Printed Name of Complainant

McAllen, Texas

City and State

Signature of Judicial Officer